

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY AUSTIN,

Plaintiff

v.

OFFICER THOMAS MCDONALD, *et al.*,

Defendants

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:
:
: 3:21-CV-1106
: (JUDGE MARIANI)
:
:
:

ORDER

AND NOW, THIS 15th DAY OF NOVEMBER, 2023, upon *de novo* review

of Magistrate Judge Susan Schwab's Report & Recommendation ("R&R") (Doc. 60),

Plaintiff's Objections thereto (Doc. 61), and all other documents of record, **IT IS HEREBY**

ORDERED THAT:

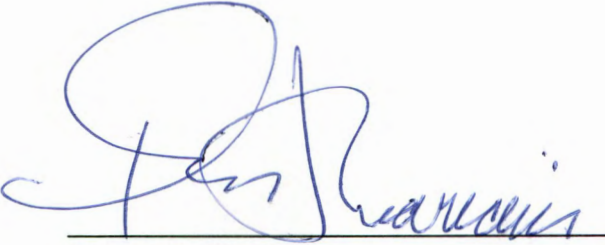
1. The R&R (Doc. 60) is **ADOPTED** for the reasons set forth therein.
2. Plaintiff's Objections (Doc. 61) are **OVERRULED**. Plaintiff's objections fail to create or demonstrate any genuine dispute of material fact. Instead, Plaintiff, without any evidentiary support, provides only brief conclusory and self-serving statements that Defendant McDonald framed him, "planted" crack cocaine on him, and fabricated evidence against him. Even viewing all facts in the light most favorable to Plaintiff, this Court agrees with Judge Schwab's factual and legal analysis set forth in the R&R, and Plaintiff's statements in his Objections, without

more, are insufficient to create any triable issues of fact. Defendant McDonald is therefore entitled to judgment in his favor.

3. Defendant Thomas McDonald's Motion for Summary Judgment (Doc. 49) is

GRANTED.

4. Judgment is entered **IN FAVOR OF** Defendant Thomas McDonald and **AGAINST** Plaintiff Randy Austin.

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge